

BRITISH COLUMBIA HUMANIST ASSOCIATION

422 Richards St, Suite 170
Vancouver, BC V6B 2Z4

(604) 265-9298
bchumanist.ca
info@bchumanist.ca



BILL C-9 ENTRENCHES RELIGIOUS AUTHORITY OVER INDIVIDUAL LIBERTY

A brief for the House of Commons Standing Committee on Justice and Human Rights

Prepared by Ian Bushfield, Executive Director

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Rising bigotry and hatred threatens the social fabric of our multicultural community. As such, modernizing the Criminal Code to address the extreme manifestations of such hatred seems an obvious priority for any government. However, such amendments must tread carefully as they risk infringing on Canadian's Charter-protected fundamental freedoms and our broader civil liberties.

We do not believe the government has struck the right balance with Bill C-9.

Critically, we worry that the new offences a double standard between people who believe in god and those, like our members, who do not. Religious beliefs, and more specifically religious institutions, are afforded protections under the bill that go above and beyond those available to the nonreligious. Further, the proposed criminalization of intimidation and obstruction of access to places of worship threatens to chill dissent within religious communities by prioritizing institutions over individual belief. It undermines the state's duty of religious neutrality by privileging religious beliefs and institutions.

At a minimum, we recommend:

1. Withdraw the proposed offenses for intimidation and obstruction of access to places of worship (Section 423.3)
2. Remove the religious defense for hate symbols from subsection 319(3.2)(a)

Since 1984, the BC Humanist Association (BCHA) has provided a community and a voice for Humanists, atheists, agnostics and the non-religious in BC. Humanism is a worldview that promotes human dignity without belief in a higher power. We promote progressive and secular values and challenge religious privilege.

INSTITUTIONAL RELIGIOUS PRIVILEGE AT THE EXPENSE OF INDIVIDUAL LIBERTY

Our primary concern with Bill C-9 is the introduction of the new intimidation offense for places of worship (section 423.3(1)). This new crime could result in a sentence of up to 10 years (subsection (3)(a)), as well as further restrictions on speech, movement and privacy (section 545(4.3)(b)).

It's critical to understand what this new crime would apply to.

The first section (423.3(1)) criminalizes "any conduct with the intent to provoke a state of fear in a person in order to impede their access" to a place of worship, a facility used by an identifiable group or a cemetery. The second section goes even further and criminalizes anyone who "intentionally obstructs or interferes" with access to any of those buildings.

This crime is incredible broad and includes one mere exception in subsection (4) for "the purpose only of obtaining or communicating information." [Emphasis added]

Already, a coalition of 37 civil society organizations has written in opposition to these new offenses.¹ They condemn the "vague threshold" and the risk of suppression of constitutionally protected expression and peaceful assembly.

It is important to recognize that rather than protecting religious freedom, these provisions merely entrench the authority of religious hierarchies and institutions. The irony is that these laws would criminalize Jesus Christ himself for the story where he entered the temple and overturned the tables of the money changers. [Matthew 21:12] Religious evolution often comes with disruption and protest. Preventing any interference with religious organizations silences the dissent of those who might challenge authority. Existing laws are sufficient to address those instances where protests turn violent, damage property, intimidate or harass others.

Granting specific, enhanced *Criminal Code* protections to institutions and physical facilities used for worship risks privileging institutional power and organizational structures over the individual rights of citizens

Additionally, the Criminal Code already contains provisions that criminalize obstructing a religious or spiritual officiant and disturbing religious worship (Section 176). These are not just theoretical laws as recently as an Ottawa woman faced charges for disturbing a religious worship as recently as 2017.²

¹ Canadian Civil Liberties Association. (6 October 2025). "Civil society groups demand federal government rethink Bill C-9." Available at <https://ccla.org/press-release/civil-society-groups-demand-federal-government-rethink-bill-c-9/>

² CBC News. (12 June 2017). "Woman charged in disturbances at Ottawa church." Available at <https://www.cbc.ca/news/canada/ottawa/statue-breaking-screaming-kent-street-church-ottawa-police-1.4156230>

DEFINING HATE AND PROTECTING CRITICISM

There is a wide range of perspectives on the legitimacy of hate speech laws among Humanists. What we all share is a concern that such laws may be used to suppress speech deemed overly critical of religious traditions. In this way, hate speech laws may be used to resurrect blasphemy laws and target freethinkers.

These concerns are not just theoretical. In recent years, Denmark has outlawed the “inappropriate treatment” of religious texts³ and a protester was charged for religious motivated harassment in the UK for burning a Quran (although his conviction was overturned on appeal).⁴ Canada’s own blasphemy law was only repealed in late 2018.⁵

With that said, we are pleased to see Bill C-9 introduces a legislated definition of hatred that reflects Supreme Court of Canada jurisprudence.⁶ Importantly, the provisions explicitly exclude speech that merely “discredits, humiliates, hurts or offends.” This qualification helps protect criticism of religious ideas.

Religious defenses allow bigotry to perpetuate

Under Section 319 (3.2), the bill includes religion as a “defense” for promoting terrorism and hate symbols. However, much of the bigotry we see against identifiable groups, particularly based on sex, sexual orientation, gender identity or expression, or even other religions, emanates from religious beliefs. Creating a religious defence permits religious officials to continue to perpetuate bigotry from the pulpit.

Fundamentally, the state’s duty of religious neutrality requires the government treat religious and secular beliefs equal.⁷ Privileging protections for religious beliefs, which has often been interpreted as requiring supernatural beliefs⁸, risks permitting hatred merely because of one’s personal theology. But hate is hate. The victims of such bigotry are equally at risk whether such beliefs originate in a theistic or secular worldview.

³ Humanists International. (30 May 2025). “Denmark” in The Freedom of Thought Report. Available at <https://fot.humanists.international/countries/europe-northern-europe/denmark/>

⁴ Humanists UK. (10 October 2025). “Not guilty! Conviction of man who burned Quran overturned on appeal.” Available at <https://humanists.uk/2025/10/10/not-guilty-conviction-of-man-who-burned-quran-overturned-on-appeal/>

⁵ BC Humanist Association. (11 December 2018). “Canada repeals blasphemy law.” Available at https://www.bchumanist.ca/canada_repeals_blasphemy_law

⁶ Canada (Human Rights Commission) v. Taylor, [1990] 3 S.C.R. 892

⁷ Mouvement laïque québécois v. Saguenay (City), 2015 SCC 16, [2015] 2 S.C.R. 3

⁸ See eg: Canada Revenue Agency. (25 October 2002). “Summary Policy CSP-R06 Religion.” Available at <https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/summary-policy-r06-religion.html>